

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE: Case No. 09-16171
Erick Carter Chapter 13
Cynthia Carter
Debtor(s) Judge J. VINCENT AUG

MOTION TO MODIFY PLAN POST CONFIRMATION AND NOTICE

Come(s) now the Debtor(s) who hereby move this Court for an Order to Modify the Chapter 13 Plan. Support for the Motion is set forth in the following memorandum.

MEMORANDUM IN SUPPORT

1. A Chapter 13 Plan was confirmed on November 17, 2009.
2. Date petition filed: September 22, 2009 Date of last modification: n/a
3. Date plan confirmed: November 17, 2009 Date last modification confirmed: n/a
4. Length of Plan (months): Current: 52 Proposed: 37
5. Monthly Plan Payments: Current: \$800.00 Proposed: \$800.00

If the plan changes the monthly payments, then amended Schedules I and J are attached and will be filed with the Court.

6. Percent to Unsecured Creditors: Current: 5% Proposed: 5%

The attorney certifies that this change will not cause the plan to exceed sixty (60) months.

If the plan proposes to lower the plan percentage to unsecured creditors, then choose one of the following:

_____ Debtor(s) case was filed prior to October 17, 2005 and the new plan percentage is consistent with the liquidation analysis filed on _____ OR Debtor(s) attach an amended liquidation analysis and will file it with the Court.

__XX__ Debtor(s) case was filed on or after October 17, 2005, Debtor(s) were BELOW median income at time of filing and the new plan percentage is consistent with the liquidation analysis filed on October 23, 2009.

_____ Debtor(s) case was filed on or after October 17, 2005, Debtor(s) were ABOVE median income at the time of filing with a Negative DMI on Form B22(c) and the new plan percentage is consistent with the liquidation analysis filed on _____ or Debtor(s) attach an amended liquidation analysis and will file it with the Court.

_____ Debtor(s) case was filed on or after October 17, 2005, Debtor(s) were ABOVE median income at the time of filing with a Positive DMI on Form B22(c) and the new plan percentage is consistent with the DMI X 60 calculation OR Debtor(s) provide evidence of change in circumstance pursuant to 11 USC §1329, if the plan percentage deviates from the requirements of Form B22(C) and 11 USC 1325(b)(1)(B).

7. Reason for the modification, including any changes in circumstances since last plan: Debtors are in the process of a loan modification. The modification is to include the arrears that are currently being paid through the plan. Debtors request the trustee to stop further disbursements to the mortgage company for the arrears.

WHEREFORE, Debtor(s) move(s) the Court to modify Debtor(s)' Chapter 13 plan as set forth herein.

Respectfully submitted,

/s/ Kathleen D. Mezher
Kathleen D. Mezher #0016982
Attorney for Debtor(s)
8075 Beechmont Avenue
Cincinnati, Ohio 45255
(513) 474-3700

NOTICE

Counsel for Debtors has filed papers with the Court to Modify the Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy.

If you do not want the Court to order the Modification, or if you want the Court to consider your views on the Modification, then within twenty-one (21) days from the date of service as set forth on the certificate of service on said application, you or your attorney must:

File with the Court a written request for a hearing {or, if the Court requires a written response, an answer, explaining your position} at:

Clerk of the US Bankruptcy Court
Atrium Two, Suite 800
221 E. Fourth St.
Cincinnati, Ohio 45202

If you mail your request/response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Kathleen D. Mezher

Margaret A. Burks

8075 Beechmont Avenue
Cincinnati, Ohio 45255

600 Vine Street, Suite 2200
Cincinnati, Ohio 45202

Office of the U.S. Trustee
36 E. Seventh St., Suite 2030
Cincinnati, Ohio 45202

[Other steps required to oppose a motion or objection under local rule or court order.]

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

/s/ Kathleen D. Mezher
Kathleen D. Mezher #0016982

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to Margaret Burks, 600 Vine Street, Suite 2200, Cincinnati, Oh 45202; Erick & Cynthia Carter, 113 Boulder Drive, Mount Orab, OH 45154; all creditors on the attached printout; and the Office of the U.S. Trustee, 36 East Seventh Street, Suite 2030, Cincinnati, Ohio 45202 by US mail or electronic service on this __3__ day of December, 2010.

/s/ Kathleen D. Mezher
Kathleen D. Mezher #0016982
Attorney for Debtor